



IFW
Patent
Attorney's Docket No. 007198-451

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Kui Wong Yeung) Group Art Unit: 1724
Application No.: 10/749,375) Examiner: Jason M Greene
Filed: January 2, 2004) Confirmation No.: 9145
For: A VENTILATOR OR VENTILATING)
APPARATUS WITH THERMAL)
EXCHANGER AND AIR FILTER)

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the previous Office Action dated July 20, 2004, the Application was objected to as not containing a specific reference to the prior non-provisional application that identifies the relationship between the applications. Applicant's subsequent response indicated that the Preliminary Amendment filed January 2, 2004 with the continuation application included an amendment to the specification that contained the requisite identification. The most recent Office Action, dated February 23, 2005, states that a copy of that Preliminary Amendment is not present in the application. Accordingly, a duplicate copy of the Preliminary Amendment is being submitted herewith, and its entry is respectfully requested.

Claims 2, 3, 5, 10, 12, 14 and 16 were objected to under 37 C.F.R. §1.75(c). The objection states that the claims are in improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, the Office Action states that, since the claims are dependent from claim 20, they fail to further limit the subject matter of a "previous" claim. It is respectfully submitted that the regulation

does not impose a requirement of such a nature. Rather, 37 C.F.R. §1.75(c) states that one or more claims may be presented in dependent form, "referring back to and further limiting *another* claim or claims in the same application" (emphasis added). There is no requirement that the "other" claim be previous to the dependent claim in question. Clearly, each of claims 2, 3, 5, 10, 12, 14 and 16 further limits the subject matter of another claim in the application, and therefore they are submitted to be fully compliant with the requirements of the regulation. Reconsideration and withdrawal of the objection is respectfully requested.

It is respectfully submitted that all pending claims are in condition for allowance, and a notice to that effect is solicited.

Respectfully submitted,

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Date: April 22, 2005

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